APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,236	12/17/1999	HADI PARTOVI	0055-0037CIP1	9914

58563 7590 07/03/2007 HARRITY SNYDER, L.L.P. 11350 RANDOM HILLS ROAD SUITE 600 FAIRFAX, VA 22030	**EXAMINER** POND, ROBERT M

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/466,236	PARTOVI ET AL.
	Examiner	**Art Unit**	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 March 2007; 27 November 2006_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _2-18,20-28,30,31,33-35,37-47,49,51 and 53-61_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _2-18,20-28,30,31,33-35,37-47,49,51 and 53-61_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _11/27/06_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

All pending claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53-61 were examined in this final office action. Please note the Examiner attempted to initiate discussion pertaining to this case but Microsoft, the present owner of Tellme Networks, still has not filed a Change in Power of Attorney. The current Attorney of Record was contacted but advised he could no longer represent the Applicant. Once a CoA has been entered into the record, the Applicant should consider a telephonic interview for further discussion.

Response to Arguments

Applicant's arguments with respect to claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53-61 have been considered but are not persuasive.

Regarding Rejection under 35 USC 101, signals of transitory nature are considered non-statutory subject matter.

Regarding rejection of independent claims, the prior art cited addresses the claimed subject matter. Furthermore, the Examiner would like to point out to the Applicant that the independent claims remain broader than the Applicant's summary.

Regarding profile information, using a telephone number by the system is in the dependent claims.

Additional prior art is provided for the Applicant's review:

- US 6,996,609 (Hickman et al.) 07 February 2006; discloses a telephony-based system that connects telephone users to an Internet Interface Computer which communicates with an Internet Server to provide the telephone user with access to the Internet. Hickman discloses a single command model, access to a personal web page used to launch access to other web sites.

- US 5,915,001 (Uppaluru) 22 June 1999; discloses a telephone user accessing a voice web gateway which in turns accesses a voice web site via the Internet.

- US 6,941,273 (Loghmani et al.) 06 September 2006; discloses a telephony Internet Interface.

Regarding second computer unaffiliated with first, Cohen doesn't state the web systems hanging off the Internet are affiliated nor would one of ordinary skill in the art assume that every commerce site connected to the first system via the Internet is affiliated with the first computer.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 61 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A signal <u>per se</u> is not the type of subject matter that is considered statutory. If the signal claim is interpreted as an abstract arrangement "to be transmitted", or as a transmission in transit, rather than a physical signal statically embedded in a physical computer readable medium, the signal claim is considered non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 2, 3, 5-7, 15-18, 20, 21, 23-25, 30, 33, 51, and 54-61 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397).**

    Cohen teaches a system and method of allowing a user to audibly and interactively browse through a network of audio information forming a seamless integration of the world wide web and the entire telephone network browsable from any telephone (see at least abstract; col. 1, line 5 through col. 2, line 67). Cohen allows a user to request, navigate, retrieve, and store information from a network of telephone stations, interactive voice response (IVR) stations, voice-

enabled web pages, and regular web pages (see at least col. 3, line 65 through

col. 4, line 3). Cohen further teaches:

- *Operating a computer system that is unaffiliated with a second computer*

  system utilized by a merchant to provide electronic commerce, the

  computer system being configured to respond to an audio command

  representing an audio purchase request received via a telephone interface

  system of the computer systems; browser controller is configured to

  respond to audio command representing user actions (i.e. via voice or

  dtmf tones) (see at least col. 3, lines 3-41; col. 5, lines 1-26; col. 6, lines

  26-36); used in internal or external call centers (see at least col. 13, lines

  10-17); browser controller unaffiliated or affiliated with second computer

  (i.e. airline using an external call system that implements the browser

  controller or airline leases time on a browser controller vs. airline providing

  a user access to browser controller) (see at least col. 13, lines 9-17).

- *in response to receiving the audio request, causing the computer system*

  to establish a communication link with the second computer system; single

  command model; receiving an audible command and then taking action

  based on the user's request (e.g. user speaks a single command

  "weather" and the browser controller dials the number it knows for the

  local weather report and allows the user to listen to the report (see at least

  col. 9, lines 43 through col. 10, line 9); audio enabled and voice enabled

  web pages (see at least col. 3, line 65 through col. 4, line 17).

- *and, causing the computer system to electronically interact with the second computer system to perform the electronic commerce transaction initiated by the audio purchase request.* a user purchases airline tickets using an automated system that uses the browser controller (i.e. in unaffiliated relationship with airline as noted above) (see at least col. 12, lines 39-55),

Cohen teaches all the above as noted under the 103(a) rejection and teaches a) a user interacting with the system via a telephone using voice commands or dtmf tones, b) accessing electronic commerce services over the Internet using audible commands, c) the system receiving an audible command and then taking action based on the user's request (e.g. user speaks a single command "weather" and the browser controller dials the number it knows for the local weather report and allows the user to listen to the report), and d) a user purchases airline tickets using an automated system that uses the browser controller (i.e. in unaffiliated relationship with airline) (see at least col. 12, lines 39-55), but does not specifically disclose the process of making purchasing requests. One of ordinary skill in the art at time of the invention would have ascertain the automated system using the browser controller to facilitate ticket purchases as receiving audio purchase requests from the user and communicating the purchase requests to the airline.

- *Claims 2 and 3, recognizes user; profile; subsequent actions*: caller id, asks for account PIN number, speaker verification (see at least Fig. 2 (200); col. 10, lines 40-45); system stores user preferences (i.e. a profile, stores "mom's" phone number and retrieves "mom's" phone number) (see at least Fig. 2 (206); col. 9, lines 60-63; col. 10, lines 51-53). Please note: user preference used in at a first or subsequent request to a second computer (e.g. "call mom") (see at least Fig. 2 (206); col. 9, lines 60-63); user wake-up word unique to user (i.e. a password) (see at least col. 5, lines 65-67).

- *Claim 5, providing a (third) audio request over the telephone interface*; user speaks hyperlink address (col. 2, lines 22-33; col. 3, lines 26-34).

- *Claim 6, second computer system includes a web server providing HTML order forms.* HTML extension, hypertext links (see at least col. 7, lines Controller browser interacts with web server(s) serving up web pages (old and well-known to transmit HTML-based documents

- *Claim 7, second computer system supports HTTP.* conventional protocol HTTP used on the world wide web (see at least col. 7, lines 10-16).

- *Claim 15, 17, and 18:* uses voice recognition as above using "weather" example. Inherent in Cohen are the structures necessary to permit receiving a verbal request and performing voice recognition to determine a product and merchant. For example, the system uses

voice recognition to facilitate airline ticket purchase by user which for it to be useful identifies the seller (i.e. which airline) and what the user purchased (i.e. a seat on a particular flight).

- *Claim 16:* system uses voice or keypad tones to communicate with system as previously noted. Inherent in Cohen are the structures necessary to permit decoding touch tones to determine user responses.

- *Claim 51:* earcons (see at least col. 3, lines 12-19); surrounding audio text with pauses (see at least

2. **Claims 4 and 22 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Official Notice (admitted prior art in Paper #21 regarding old and well-known referred to as "ON1").**

Cohen teaches all the above as noted under the 103(a) rejection and teaches identifying the originating caller using "any known method" (see at least Fig. 2 (200); col. 10, lines 40-43), but does not disclose using a reverse lookup directory. The Examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well known in the telecommunications industry. Therefore it would have been obvious to one or ordinary skill in the art at time of the invention to modify the system and method Cohen to include reverse directory lookup to identify a caller as taught by ON1, in order to provide another method to identify a caller.

3. **Claims 8-10 and 26-28 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Yasin (PTO-892, Item: U).**

   Cohen teaches all the above as noted under the 103(a) rejection and teaches a) implementing user access security, b) http hypertext transfer protocol, c) conventional HTML and voice markup language based on XML, and d) TCP/IP Internet transmission protocol, but does not disclose using other security features. Yasin teaches secure sockets layer (SSL) as the defacto standard for Web security, and further teaches SSL being used to secure HTTP (i.e. HTTPS), FTP, and Telnet sessions (U: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Cohen to comment on SSL as the defacto standard for Web security as taught by Yasin, in order to convey additional information on Web security standards.

4. **Claims 11-14, 31, 34, and 53 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Official Notice (regarding old and well-known in the arts, hereinafter referred to as "ON2").**

   Cohen teaches all the above as noted under the 103(a) rejection and teaches a user conducting transactions using audio (i.e. tones or voice input, text-to-speech or audio-enabled output to the user) to interact with online commerce services, and further teaches and suggests a user purchasing airline tickets via

audio purchase requests. Cohen, however, does not specifically disclose a

known business practice of providing the user receipts as verification of a

purchase transaction. The Examiner takes the position that it is old and well

known in the arts for a consumer making a purchase to receive a printed receipt

with identifying information (i.e. buyer's name, credit card account and expiration,

product description) or electronic receipt to review and confirm pricing and/or

items purchased and that one of ordinary skill in the art would recognize that

such a receipt within the context of Cohen's invention would be in audio format

(i.e. text-to-speech output to the user as noted above). Therefore it would have

been obvious to one of ordinary skill in the art at time of the invention to modify

Cohen to provide purchase transaction receipts in audio format as taught by

ON2, in order for a consumer using the invention of Cohen to receive and review

a purchase receipt.

5. **Claim 35 is rejected under 35 USC 103(a) as being unpatentable over Cohen
(US 7,082,397) in view of McCollom (US 6,925, 444).**

Cohen teaches all the above as noted under the 103(a) rejection and teaches

and suggests a) audio and voice-enabling web pages and text-to-speech for

standard web pages to interface a telephone with the world wide web for

commerce transaction, and b) a user making an audio purchase request for

airline tickets, but does not disclose comparing prices for the product at a

plurality of merchants. McCollom teaches comparison shopping within a web-

based commerce environment using standard web pages to communicate information to a shopper creating a list. McCollom teaches the use of passwords and an electronic wallet to convey payment information. McCollom teaches creating and using a list for comparing prices among a plurality of merchants. One of ordinary skill in the art at time of the invention would recognize that the web-based comparison shopping system of McCollom could be accessed by the invention of Cohen to interface a telephone user to the comparison shopping services of McCollom.

6. **Claims 37, 38, 40-44, 45-47, and 49 are rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397) in view of Yasin (PTO-892, Item: U) and McCollom (US 6,925, 444).**

Cohen teaches all the above as noted under the 103(a) rejection and teaches a) implementing user access security, b) http hypertext transfer protocol, c) conventional HTML and voice markup language based on XML, and d) TCP/IP Internet transmission protocol, but does not disclose using other security features. Yasin teaches secure sockets layer (SSL) as the defacto standard for Web security, and further teaches SSL being used to secure HTTP (i.e. HTTPS), FTP, and Telnet sessions (U: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify Cohen to comment on SSL as the defacto standard for Web security as taught by Yasin, in order to convey additional information on Web security standards.

Cohen and Yasin teach all the above as noted under the 103(a) rejection and teaches and suggest a) audio and voice-enabling web pages and text-to-speech for standard web pages to interface a telephone with the world wide web, b) a user making an audio purchase request for airline tickets, c) providing the user a personalized start page, and d) identifying the user as a caller and billing the user for making a call, but does not disclose the audio purchase request including a payment identifier from the user profile. McCollom teaches comparison shopping within a web-based commerce environment using standard web pages to communicate information to a shopper creating a list. McCollom teaches the use of passwords and an electronic wallet to convey payment information. McCollom teaches creating and using a list for comparing prices among a plurality of merchants (see at least abstract; col. 5, line 39 through col. 6, line 11). McCollom teaches providing order status (see at least Fig. 24 (406); col. 23, lines 41-65). One of ordinary skill in the art at time of the invention would recognize that the web-based comparison shopping system of McCollom could be accessed by the invention of Cohen and Yasin in order to interface a telephone user to the web-based comparison shopping services of McCollom, and thereby provide audio-enabled access to electronic commerce web pages.

7. **Claim 39 is rejected under 35 USC 103(a) as being unpatentable over Cohen (US 7,082,397), Yasin (PTO-892, Item: U) and McCollom (US 6,925, 444), as**

applied to claim 37, further in view of Official Notice (admitted prior art in

Paper #21 regarding old and well-known referred to as "ON1").

Cohen, Yasin, and McCollom teach all the above as noted under the 103(a)

rejection and teach identifying the originating caller using "any known method"

(see at least Fig. 2 (200); col. 10, lines 40-43), but do not disclose using a

reverse lookup directory. The Examiner takes the position that conducting a

reverse directory lookup based on telephone numbers to extract customer

identifying information is old and well known in the telecommunications industry.

Therefore it would have been obvious to one or ordinary skill in the art at time of

the invention to modify the system and method Cohen to include reverse

directory lookup to identify a caller as taught by ON1, in order to provide another

method to identify a caller.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,996,609 (Hickman et al.) 07 February 2006; teaches a telephony-based system that connects telephone users to an Internet Interface Computer which communicates with an Internet Server to provide the telephone user with access to the Internet.

- US 5,915,001 (Uppaluru) 22 June 1999; discloses a telephone user accessing a voice web gateway which in turns accesses a voice web site via the Internet.

- US 6,941,273 (Loghmani et al.) 06 September 2006; discloses a telephony Internet Interface.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing
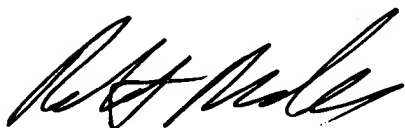
date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Robert M. Pond whose telephone number is

571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Mr. Yogesh Garg can be reached on 571-272-6756. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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direct.uspto.gov. Should you have questions on access to the Private PAIR

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Pond
Primary Examiner
June 22, 2007